

SAN DIEGO RIVER CONSERVANCY

***TENTATIVE RESOLUTION 04-05***

**RESOLUTION CREATING A COMMITTEE(S) TO ESTABLISH AGENCY MISSION,  
OBJECTIVES, PROGRAMS, AND PRIORITY RANKING METHODOLOGY  
AND  
POLICIES AND PROCEDURES FOR THE ACQUISITION, MANAGEMENT,  
IMPROVEMENT, AND TRANSFER OF LAND; AWARDING OF GRANTS; AND  
OTHER ACTIONS RELATED TO CAPITAL OUTLAY EXPENDITURES**

1. ***Need and Overall Purpose for San Diego River Conservancy (SDRC)***

WHEREAS, section 32631 of the San Diego River Conservancy Act (Act) states, in part, that (a) The San Diego River is in **need of restoration, conservation, and enhancement** all along its length and the area presents excellent opportunities for recreation, scientific research, and educational and cultural activities of value to California and the nation. (b) Given the opportunities available, the State recognizes the importance of **holding this land in trust** to be preserved and enhanced for the enjoyment of present and future generations;

2. ***Specific Purposes for SDRC***

WHEREAS, section 32633 of the Act states that there is in the Resources Agency, the San Diego River Conservancy (SDRC), which is **created for the following purposes**: (a) To acquire and manage public lands within the San Diego River Area, and to provide recreational opportunities, open space, wildlife habitat and species restoration and protection, wetland protection and restoration, and protection and maintenance of the quality of the waters in the San Diego River for all beneficial uses, lands for educational uses within the area, and natural floodwater conveyance. (b) To provide for the public's enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of land and natural resources, as well as economic resources, in the area;

3. ***Conceptual Plan: Framework for San Diego River Parkway Master Plan***

WHEREAS, section 32631 (c) of the Act states that the San Diego River Parkway Coalition's Policy Committee and Citizen's Advisory Committee, representing diverse state and local interests, is developing a San Diego River Parkway Concept Plan that will, in concept, outline and provide a structural **framework for** ideas for **establishing a San Diego River Parkway Master Plan**. It is the intent of the Legislature that the SDRC **consider the recommendations in that concept plan** when implementing the provisions of this division;

4. ***Jurisdiction of SDRC***

WHEREAS, section 32644 of the Act provides that the jurisdiction of the SDRC is limited to the "**San Diego River Area**" and section 32632 (f) defines the San Diego River Area as those lands or other areas that are donated to, or otherwise acquired by, or operated by, the

conservancy, which are located within **one-half mile on either side of the thread** of the River from its headwaters near Julian to the Pacific Ocean at Dog Beach in San Diego;

5. **Develop Stewardship Program / Establish Policies and Priorities / Conduct Planning**

WHEREAS, section 32653 of the Act provides that (a) The SDRC may **develop and coordinate** an integrated **program of resource stewardship to manage** the entire San Diego River Area in a manner that balances the recreational needs of the surrounding communities with strong protection of the area's natural resources. (b) The Conservancy shall **establish policies and priorities** within the San Diego River Area, and **conduct any necessary planning activities** in accordance with the purposes of this division. (c) The Conservancy shall **establish priorities** to be given to **projects** that create or enhance opportunities that provide recreation, aesthetic improvement, wildlife habitat, wetlands protection, water quality, and natural flood control in the San Diego River Area;

6. **Acquire Real Property**

WHEREAS, section 32645 of the Act provides that the SDRC may take any of the following actions for the purposes of this division: (a) Select and **acquire real property or interests in real property** in the name of the State. (b) **Acquire interests in land by various means**, including, but not limited to, land exchanges, **easements**, development rights, life estates, leases, and leaseback agreements. (c) Accept and hold real property or any interest in real property that is acquired through gift, exchange, donation, or dedication;

Section 32646 of the Act provides that notwithstanding any other provision of law, the SDRC has the first right of refusal to acquire any public lands that are suitable for park and open space within the conservancy's jurisdiction when those lands become available;

Section 32648 of the Act further provides that notwithstanding any other provision of law, the SDRC may not enter into an option to purchase land in fee simple or a lesser interest for an amount in excess of three hundred thousand dollars (\$300,000);

7. **Execute Agreements to Manage Land / Improve and Develop Land / Adjust Boundaries**

WHEREAS, section 32651 of the Act provides that the SDRC may take any of the following actions for the purposes of this division: (a) Initiate, negotiate, and **participate in agreements for the management of land** under its ownership or control with a local public agency, state agency, federal agency, nonprofit organization, individual, corporate entity, and partnership, and enter into any other agreement authorized by state or federal law. (b) **Improve and develop lands** for the purpose of protecting the natural environment or otherwise meeting the purposes of this division. (c) Merge or split parcels, **adjust boundary lines**, or take similar actions as part of the acquisition of land, or as needed in order to facilitate the management of land under its ownership or control. (d) Fix and collect fees for any service rendered by the conservancy. The amount of the fee may not exceed the reasonable cost of providing the service rendered by the conservancy;

8. **Improve Degraded Sites / Regulate Public Access / Upgrade or Construct Facilities**

WHEREAS, section 32654 of the Act provides that (a) the SDRC, in consultation with other public agencies with appropriate jurisdiction and expertise, may do all of the following for any degraded area: (1) **Undertake site improvement** projects. (2) **Regulate public access**. (3) Provide for restoration and rehabilitation. (b) The Conservancy may **upgrade deteriorating facilities**, and **construct new facilities** as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection;

9. **Sell or Transfer Real Property**

WHEREAS, section 32650 of the Act provides that, notwithstanding any other provision of law, the SDRC may lease, rent, **sell**, exchange, or otherwise **transfer any real property or interest in real property** that is acquired under this division to a local public agency, state agency, federal agency, nonprofit organization, individual, corporate entity, or partnership **for management purposes** pursuant to terms and conditions approved by the conservancy. The Conservancy may request the Director of General Services to undertake these actions on its behalf;

10. **Execute Agreements for Acquisition and Disposal of Real Property**

WHEREAS, section 32647 of the Act provides that the SDRC may designate or enter into an agreement with any public agency to provide real estate services, and may assign authority to **execute agreements** for the **acquisition or disposal of real property or interests in real property**;

11. **Hire Consultants / Execute MOUs**

WHEREAS, section 32643 of the Act provides that the SDRC may do both of the following to provide necessary services: (a) Select and **hire private consultants** or contractors. (b) Enter into memorandums of understanding with state and local public agencies;

12. **Award Grants**

WHEREAS, section 32649 of the Act provides that (a) the SDRC may **award grants** to any local public agency, state agency, and nonprofit organization consistent with the purposes of this division. (b) A grant from the Conservancy to a **nonprofit** organization for the acquisition of real property or an interest in real property is **subject to all of the following conditions**: (1) The purchase price of any interest in land acquired may not exceed fair market value, as established by an appraisal that is approved by the conservancy. (2) The Conservancy shall approve the terms under which the interest in land is acquired. (3) An interest in land acquired through the use of a grant may not be used as security for any debt to be incurred by the nonprofit organization. (4) A transfer of land acquired through the use of a grant is subject to the approval of the Conservancy and the execution of an agreement between the Conservancy and the transferee sufficient to protect the interest of the people of the State. (5) The State shall have the right of entry and power of termination over any interest in real property acquired with state funds, and may exercise those rights if any material term or condition of the grant is violated. (6) If the nonprofit organization ceases to exist for any reason, the title to all interests in real property acquired with State funds shall immediately vest in the State, except that, prior to that termination, any other public agency or nonprofit organization may receive, upon approval by the conservancy, title to all or a

portion of that interest, by recording a written acceptance of title and the conservancy's written approval with the county recorder's office of the county with jurisdiction over the property. (c) Any deed or other instrument of conveyance evidencing the final acquisition of real property by a nonprofit organization pursuant to this section shall be recorded with the county recorder's office in the county with jurisdiction over the property, and shall detail the State's right of entry and power of termination of any interest in the property;

13. **Receive Gifts or Donations**

WHEREAS, section 32652 of the Act provides that the SDRC may **receive** any **gift, donation**, subvention, grant, rent, royalty, and other financial aid and funds from any private or public source, or both;

14. **Adopt Rules and Procedures**

WHEREAS, section 32638 of the Act provides that the Governing Board shall **adopt** its own **rules and procedures** necessary to conduct its business;

15. **Governed by Bagley-Keene Open Meeting Act**

WHEREAS, section 32640 of the Act provides that all meetings of the Governing Board are **subject to** the **Bagley-Keene Open Meeting Act** (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code);

16. **Establish Committees / Conduct Public Outreach**

WHEREAS, section 32642 of the Act provides that the SDRC may do any of the following to assist in the decision-making process for the purposes of this division: (a) **Establish** advisory boards or **committees**; (b) Engage in public outreach;

17. **Purpose of Committee(s) to be Created**

WHEREAS, it is desirable to **create** one or more **committees** to work with the Executive Officer to: (1) develop an Agency mission statement, objectives, programs, and priority ranking methodology/criteria for evaluating proposed projects; (2) formulate policies and procedures regarding the acquisition of real property or interests in real property; holding and management of land; improvement and development of land; sale or transfer of real property; awarding of grants; receipt of gifts or donations; conduct of closed sessions for discussing real property negotiations; and other actions related to capital outlay expenditures; and (3) make recommendations to the full Governing Board regarding these issues;

NOW, THEREFORE BE IT RESOLVED that the San Diego River Conservancy Governing Board **creates** one or more **committees** to work with the Executive Officer to:

- (1) **Develop an Agency mission statement, objectives, programs, and priority ranking methodology/criteria for evaluating proposed projects;**
- (2) **Formulate Agency policies and procedures regarding the acquisition of real property or interests in real property; holding and management of land; improvement and development of land; sale or transfer of real property; awarding of grants; receipt of gifts or donations; conduct of closed sessions for discussing real property negotiations; and other actions related to capital outlay expenditures; and**
- (3) **Make recommendations to the full Governing Board** regarding these issues.

Passed and Adopted by the Board of the  
**SAN DIEGO RIVER CONSERVANCY**

on \_\_\_\_\_, 2004.

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Dick Murphy, Chairperson  
San Diego River Conservancy

ATTEST: \_\_\_\_\_  
Hayley Peterson  
Deputy Attorney General